

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Philip J. Dawson,

Plaintiff,

v.

County of McHenry, *et al.*

Defendants.

Case No.: 24-cv-50124

Judge Iain D. Johnston

**MEMORANDUM OPINION AND ORDER**

Plaintiff Philip J. Dawson named the County of McHenry and one of its Deputies, Caitlynn Kelly, in a § 1983 suit arising from a traffic stop. The County and Kelly moved to dismiss under F.R.C.P. Rule 12(b)(6). The Court grants their Motion without prejudice.

Dawson aims nearly all his claims at co-defendant City of Woodstock and its Police Officer, Nicholas Bernardi. He doesn't name the County or Kelly in any of his seven Counts. Dawson's sole allegation against Defendants is that Kelly, who was on-scene when Officer Bernardi allegedly tased Dawson in the scrotum, failed to intervene during the incident. But it's impossible to evaluate whether the claims against Kelly—let alone the County—are plausible based on Dawson's pleadings. So, the Court dismisses the Complaint without prejudice.

The Court permits Dawson to make another attempt to state a claim against the Defendants so long as the attempt is consistent with Rule 11. Dawson should carefully consider Defendants' objections in assessing whether, and if so how, to proceed against each of them. Dawson is given until December 13, 2024 to file any amended complaint. If no amended complaint is filed by that date, the dismissal will convert to one with prejudice.

Entered: November 13, 2024

By: 

Iain D. Johnston  
U.S. District Judge